THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1162 of 2004

ORAL ORDER:

It appears, the petitioner is a Finance Company and advanced vehicle loan to the fourth respondent. The third respondent, who was the employee of Peddalanka Primary Agricultural Cooperative Society, seems to have committed certain irregularities, therefore, an enquiry was conducted under Section 51 of the A.P. Cooperative Societies Act, 1964 (for short 'the Act') against him and surcharge proceedings were passed. While the executing surcharge proceedings, the vehicle of fourth respondent, who is the father of third respondent, was attached. In fact, aggrieved by the said action, the petitioner has already filed a claim petition before the first respondent under Rule 52(21)(e) of the A.P. Cooperative Societies Rules, 1964. However, the said claim petition was rejected by order dated 15.10.2003. Aggrieved by the same, the present writ petition is filed.

In fact, against the orders passed by the first respondent dated 15.10.2003, an alternative remedy of appeal under Section 76(1) of the Act is available and instead of availing the said remedy, the petitioner has directly approached this Court. May be, there are certain technical aspects brought to the notice of the Court that the vehicle in question was under hypothecation and it was not fully transferred in favour of fourth respondent, but having filed a claim petition and invited order, the best course available to the petitioner is to file appeal before the A.P. Cooperative Tribunal under Section 76(1) of the Act challenging the order dated 15.10.2003.

In view of the above, the petitioner is directed to file appeal under Section 76(1) of the Act before the appellate authority within three weeks from the date of receipt of a copy of this order challenging

the proceedings of the first respondent dated 15.10.2003. On filing such appeal, the appellate authority shall entertain the same without raising any objection as to limitation and dispose of the said appeal after hearing the petitioner and looking into the records, within a period of two months thereafter. However, the interim order passed by this Court in W.P.M.P.No.1518 of 2004 dated 10.2.2004 shall continue during the pendency of such appeal.

With the above direction, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 6.11.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1162 of 2004

6.11.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1162 of 2004

Date: 6th November, 2006

Between:

Sundaram Finance Ltd., rep.by its
Executive (Operations) M.V.Balakrishna,
Chennai.

.. Petitioner

And

The Deputy Registrar of Cooperative Societies,
Gudivada, Krishna district and others.

.. Respondents